

REMARKS

This is in full and timely response to the restriction requirement made in the Office Action mailed on September 12, 2006. Reexamination in light of the following remarks is respectfully requested.

Election

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of alleged **Species III**, having claims 1 and 3-4.

Traversal

For the reasons provided hereinbelow, the restriction requirement made within the Office Action mailed on September 12, 2006 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371

M.P.E.P. §1893.03(d) provides that the **principles of unity of invention** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. *Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.*

Unity of invention

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) explain why each group lacks unity with each other group (i.e.,

why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

(1) List the different groups of claims:

The Restriction Requirement of September 12, 2006 asserts an existence of the following patentably distinct Species:

(2) Explain why each group lacks unity with each other group:

- Species I: A first tire/wheel assembly as shown in Figure 1;
- Species II: A second tire/wheel assembly as shown in Figure 2;
- Species III: A resin layer for a third tire/wheel assembly as shown in Figure 3; and
- Species IV: A fourth tire/wheel assembly as shown in Figure 4.

The Restriction Requirement *fails to explain* why each group lacks unity with each other group. Specifically, paragraph 2 the Restriction Requirement recites that the species listed above do not relate to a single general inventive concept under PCT Rule 13.1.

However, *no particular reasons are found within the Restriction Requirement*.

M.P.E.P. §1893.03(d) explains that a group of inventions is considered linked to form a single general inventive concept where there is a technical relationship among the inventions that involves at least one common or corresponding special technical feature. The expression “special technical feature” is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

In this regard, page 3 of the Restriction Requirement contends that the claims are deemed to correspond to the species listed above in the following manner:

Claims 1, 3, and 9 appear to correspond to the first species.

Claims 2, 11, and 12 appear to correspond to the second species.

Claims 1 and 4 appear to correspond to the third species.

Claims 1, 5, 6, 7, 8, and 10 appear to correspond to the fourth species.

In this regard, claim 1 *is found within each of the alleged first, third, and fourth species*.
In this regard, page 3 of the Restriction Requirement appears to have identified claim 1 as generic at least to the first, third and fourth species.

In view of the above, examination of at least claims 5-10 along with claims 1 and 3-4 is respectfully requested.

Moreover, withdrawal of the restriction requirement and examination of all pending claims is respectfully requested.

Examination in accordance with any figure found within the above-identified application as appropriate is respectfully requested.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

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Respectfully submitted,

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